

Police & Fire Commission

Monday, April 29, 2019

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1 The Meeting of the Police & Fire Commission was called to order at 3:00 p.m. on Monday, April
2 29, 2019. It was noted that the meeting had been announced and a notice posted at City Hall.

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4 Roll call was taken with the following members present: Lori Olson, Tom Kennedy, John Every,
5 Mark Dahlke, Jim Binash

6
7 Also Present: City Administrator Eric Rindfleisch, Human Resource Director Hope Burchell,
8 City Attorney Sean O’Flaherty, Police Chief Troy Miller, Fire Chief Billy Hayes, Assistant Fire
9 Chief Troy Gudie, Fire Department Administrative Assistant Stacy Hoeft

Item 2 – Approval of minutes from the previous meeting

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13 Motion by John, second by Tom, to approve the minutes from the previous meeting as printed
14 and on file in the City Clerk’s Office.

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16 On voice vote, motion carried, 4-0, with one abstention (Jim Binash).

Item 3 – Public Input (limited to 3 minutes per individual)

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19
20 Mark called three times for anyone wishing to provide public input and closed that portion of the
21 meeting.

Consideration and possible action on the following items:

Item 4 – Reorganization/Election of Officers: President, Vice President & Secretary

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27 Motion by John, second by Lori, to nominate and reelect Mark Dahlke as President of the Police
28 and Fire Commission.

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30 On voice vote, motion carried.

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32 Motion by Lori, second by John, to nominate and elect Tom Kennedy as Vice President of the
33 Police and Fire Commission.

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35 On voice vote, motion carried.

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37 Motion by Tom, second by John, to nominate and elect Lori Olson as Secretary of the Police and
38 Fire Commission.

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40 On voice vote, motion carried.

Item 5 – Review and consideration of Stipulated Agreement by the City of Onalaska and 41 Fire Chief William D. Hayes and consideration of disciplinary action

42
43 Reviewed 5/1/19 by Lori Olson

Police & Fire Commission

Monday, April 29, 2019

2

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45 Sean noted a copy of the Stipulated Agreement between Fire Chief William Hayes and the City
46 of Onalaska has been included in commission members' packets. Sean said the Stipulated
47 Agreement addresses the issue with respect to Fire Chief Hayes being pulled over approximately
48 two weeks ago for allegedly driving under the influence of alcohol. Sean said, "In discussion
49 with the city, Chief Hayes has recognized that being pulled over with respect to that type of
50 action does harm to the city and is not consistent with his position as [Fire] Chief." Sean noted
51 commission members' packets also include a "Findings of Fact and Conclusion" document and
52 read the following:

53
54 *"Based on the Stipulated Agreement brought forth by the City of Onalaska and Chief William D.*
55 *Hayes and attached hereto as Exhibit A, the Onalaska Police and Fire Commission hereby finds:*
56 *1. That Chief Hayes violated Policy 1.06 of the City of Onalaska as outlined in the Stipulated*
57 *Agreement. 2. Based on Chief Hayes' admittance of his conduct, waiver of a hearing before the*
58 *PFC and voluntary acceptance of the consequences outlined in the Stipulated Agreement, that*
59 *the Police and Fire Commission accepts the terms of the Stipulated Agreement and enters it into*
60 *the record and orders a five-day unpaid suspension as set forth therein to be scheduled by the*
61 *Chief based on discussion with the Mayor."* Sean said the City of Onalaska recommends that the
62 Police and Fire Commission accepts this.

63
64 Motion by Tom, second by Lori, to accept the Stipulated Agreement by the City of Onalaska and
65 Fire Chief William D. Hayes.

66
67 Jim said, "I know it's already been mentioned about what this means to the City of Onalaska.
68 And what we know is that the position the Chief is in holds him to a higher standard. I'm sure
69 that in his past he may have been involved in motor vehicle accidents where they may have had
70 to use the Jaws of Life, and had to have been involved with drivers who have been under the
71 influence. I'm sure that the Chief regrets this incident, but just the same, when you're held to
72 that standard you should continue to uphold yourself to that standard. I hope the situation that
73 resulted with our own Police Department does not result in any friction between the departments.
74 I think the officer was doing his job, [which is] exactly what he was supposed to be doing. I
75 don't believe there was any collusion with this incident. It was something that happened. The
76 officer was doing what he was required to do by the City of Onalaska. Also, I feel that I would
77 have gone for a little bit higher days without pay, myself. But I think the Stipulated Agreement
78 is fairly straightforward.

79
80 There will be some issues that are going to have to happen in the future when this case is
81 adjudicated; that is, regarding driving. How is the Chief going to get around from Point A to
82 Point B? I think that is something that will need to be discussed as time goes on within the
83 department. Again, that all hinges upon the adjudication of the alleged charges. With the
84 Stipulated Agreement, I would vote in favor of it. But again, I think this is something that
85 happened that needs to be brought forward and let the Chief and the community know we take

Reviewed 5/1/19 by Lori Olson

Police & Fire Commission

Monday, April 29, 2019

3

86 this very seriously. I'm sure there will be other things that may go on that we may not be privy
87 to here, but again, I would move forward with the Stipulated Agreement.”

88

89 Sean said the City of Onalaska also asks that the Police and Fire Commission also adopt the
90 Findings of Fact and Conclusion, which may occur via a friendly amendment to the motion on
91 the floor.

92

93 Tom, who made the original motion, and Lori, who seconded the motion, both said they agree to
94 the friendly amendment.

95

96 Lori asked, “We can assume this is consistent with legal precedent with similar things that have
97 happened?”

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99 Sean told Lori she is correct.

100

101 Mark commended the officer who cited Fire Chief Hayes for doing his job and acting in a
102 professional manner during a difficult situation.

103

104 On voice vote, motion carried.

105

106 **Item 6 – Closed Session:**

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108 To consider a motion to convene in Closed Session under Section 19.85(1)(c) of the Wisconsin
109 Statutes for the purpose of considering employment, promotion, compensation or performance
110 evaluation data of any public employee over which the governmental body has jurisdiction or
111 exercises responsibility:

112

- 113 • Probationary Review of Police Chief Troy Miller

114

115 If any action is required in Open Session, the Commission will reconvene in Open Session to
116 take the necessary action and/or continue on with the printed agenda.

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118 Motion by Jim, second by John, to convene in Closed Session.

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120 On roll call vote: Lori Olson – aye, Tom Kennedy – aye, John Every – aye, Mark Dahlke – aye,
121 Jim Binash – aye. In Closed Session.

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123 Motion by Lori, second by Tom, to reconvene in Open Session.

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125 On roll call vote: Lori Olson – aye, Tom Kennedy – aye, John Every – aye, Mark Dahlke – aye,
126 Jim Binash – aye. In Open Session.

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128 **Item 7 – Review and consideration of appointing an Acting Police Chief and/or Assistant**

Police & Fire Commission

Monday, April 29, 2019

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129 **Police Chief**

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131 Motion by Lori, second by Jim, to, pursuant to the request of the Police Chief, relieve Troy
132 Miller of his current position as Police Chief effective May 1, 2019.

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134 On voice vote, motion carried.

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136 Motion by Lori, second by Jim, to appoint Troy Miller as Assistant Police Chief.

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138 On voice vote, motion carried.

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140 Motion by Lori, second by Jim, to name Troy Miller as Acting Police Chief until a new Police
141 Chief is employed.

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143 On voice vote, motion carried.

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145 **Item 8 – Review and consideration of Recruitment for:**

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147 a. Police Chief and/or Assistant Police Chief

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149 Hope said she likely will ask the Common Council to keep the Police Chief position open until it
150 has been filled. Hope said doing so will allow the city to conduct interviews if there immediately
151 are several applicants, and that the city may continue its search if need be. Hope told
152 commission members she will send them applications.

153

154 City Administrator Rindfleisch said that per his discussion with Sean, he recommends that the
155 Police and Fire Commission make a motion to recruit for and fill the Police Chief position.

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157 Motion by Jim, second by Tom, to fill the Police Chief position and keep the position open until
158 it is filled.

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160 On voice vote, motion carried.

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162 **Adjournment**

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164 Motion by Lori, second by Tom, to adjourn.

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166 On voice vote, motion carried.

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169 Recorded by:

170

171 Kirk Bey